

2002-10-02

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THEODORE J. GORDON, JR.

Plaintiff,

v.

ROBERT MUELLER, DIRECTOR
Federal Bureau of Investigation

Defendant.

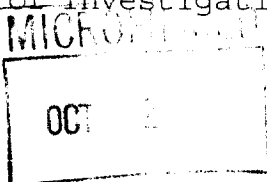
CIVIL ACTION NO. L-02-2577

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MOTION TO SUBSTITUTE AND DISMISS

The United States, by Thomas M. DiBiagio, United States Attorney for the District of Maryland, and Allen F. Loucks, Assistant United States Attorney moves the Court for an Order pursuant to 28 U.S.C. § 2679(b) substituting the United States as the proper defendant in this action. The United States further moves that plaintiff's complaint be dismissed in its entirety pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction, inasmuch as plaintiff has failed to allege that he has exhausted administrative remedies available to him. In support thereof, defendant states the following:

1. Plaintiff filed a civil complaint in the District Court of Maryland for Washington County against Robert Mueller, Director of the Federal Bureau of Investigations ("FBI"), an employee of the



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CASE DISMISSED FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES, and CASE FRIVOLOUS.

B. Gys
10/2/02

MOTION GRANTED
CLEAR IS TO CLOSE CASE
10/2/02